

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

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  )  
OHIO VALLEY ENVIRONMENTAL            )  
COALITION, et al.,                    )  
  )  
Plaintiffs,                               )  
  )  
v.  ) Civil Action No. 08-0979  
  )  
UNITED STATES ARMY CORPS OF          )  
ENGINEERS, et al.,                    )  
  )  
Defendants.                               )  
  )

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UNITED STATES' MOTION TO FILE OVERLENGTH BRIEF

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The United States Army Corps of Engineers (Corps) moves pursuant to Local Civil Rule 9.4(b) for leave of Court to file an overlength memorandum not to exceed 35 doubled spaced pages exclusive of title and signature pages, in opposition to Plaintiffs' Motion for Preliminary Injunction. Defendants have not been successful in contacting Plaintiffs about this motion. The grounds for the motion are as follows:

1. The Corps is filing a memorandum in opposition to Plaintiffs' Motion for Preliminary Injunction. Plaintiffs have raised various challenges to a Corps section 404 permit, which involves a large administrative record and consideration of complex federal statutes and state regulatory actions. Additional pages are required to fully address the legal issues involved.
2. A full legal analysis of the issues will assist the Court in resolution of the issues presented.

Therefore, it is respectfully requested that the Court grant the Corps leave to file an overlength brief not to exceed 35 doubled spaced pages exclusive of title and signature pages, in opposition to Plaintiffs' Motion for Preliminary Injunction.

October 6, 2008

Respectfully submitted,

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  )  
UNITED STATES ARMY CORPS OF          )  
ENGINEERS, et al.,                      ) **CERTIFICATE OF SERVICE**  
  )  
Defendants.                               )  
  )

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I hereby certify that on this 6<sup>th</sup> day of October, 2008, I electronically filed the foregoing “United States’ Motion to File Overlength Brief,” with the Clerk of the Court using the CM/EMF system which will send notification of such filing to the following:

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